



Town of Carlisle

MASSACHUSETTS 01741

Office of

PLANNING BOARD

MINUTES

May 21, 2001

P.O. BOX 827
CARLISLE, MA 01741
(978) 369-9702

- Request for release of Lots A and C from covenant for Great Brook Estates Definitive Subdivision Plan, Rutland St., Map 26, Lots 18A & 18C [Request of Ira Gould]**
- Review of drainage performance for High Woods Lane Common Driveway, 662 West Street**
- Review of work remaining to complete Tall Pines Definitive Subdivision Plan (7/9/90)**
- Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (Executive Session)**
- Request for refund of excess amount in Project Review Fee account for Laurajon Definitive Subdivision Plan, East Street [Request of Theodore Treibick]**
- Review of work remaining to complete Pine Meadow Definitive Subdivision Plan (5/27/97) [Request of William Costello]**
- Discussion of proposed draft Rules and Regulations for Site Plan Review**

Vice Chair Reid called the meeting to order at 7:30 p.m. Members Hara, Holzman, Lane and Zinicola were present. Epstein arrived at 7:34 p.m. following approval of the minutes and Abend arrived at 7:45 p.m. during discussion of the budget. Planning Administrator George Mansfield and *Mosquito* reporter Susan Yanofsky were also present. Yanofsky left before the executive session discussion.

Hara moved and Zinicola seconded a motion to accept the minutes of 4/30/01 as drafted. The motion carried 5-0.

(Epstein arrived.)

Lane reported that the \$774 inadvertently left out of the part-time wages item at fall Town Meeting was added to the current budget at the 5/14/01 Town Meeting. Town Meeting also approved the PB FY02 budget as proposed.

The Board then discussed priorities for utilizing FY01 funds in the engineering, master plan and professional/technical accounts. Mansfield noted that he would be attending the Massachusetts Association of Planning Directors meeting on Thursday 5/24/01, and that Mark Bobrowski generally attends these meetings as well. Reid and Hara agreed to meet with Mansfield on Tuesday 5/22 to draft a proposal for Bobrowski regarding review of the current PB rules and regulations and recommendations for implementing Conservation Subdivision Design in Carlisle. Epstein advised them to review a report prepared several years ago by Bobrowski before requesting a new report. He noted that the Board paid Bobrowski approximately \$7500 at that time.

(Abend arrived.)

The Board also felt that providing a divider or sound barrier between the PB office and the Building Department is a high priority. Mansfield said that the Town Administrator is interested in looking at office layout options prepared by Hara in 1999, but Hara was not sure if she still had these plans. Reid said that she has them on her computer.

Holzman suggested that the Town conduct a study to review potential wireless facilities locations and to prepare an RFP. He felt that if the Town does not choose preferred sites, then the wireless communications providers would choose sites that may be less desirable for the Town. Mansfield noted that the Wireless Applications Advisory Committee had already prepared a map of potential sites, although it has not been made available to the public. He added that it is the responsibility of the Board of Selectmen to prepare an RFP for wireless facilities. Reid noted, however, that the PB is responsible for master planning. Abend agreed to contact the Selectmen and inform them of the concerns raised by Holzman.

Mansfield recommended an annual subscription to Ordinance.com, an online guide to zoning ordinances throughout the state. It is currently available on CD-ROM and will be online in July. The Board asked the staff to determine if the subscription would allow all five users to access the site simultaneously. If so, the Board authorized the purchase of an annual subscription for five users to the entire State of Massachusetts at a cost of \$295.

The PA was directed to obtain an estimate from Mark Bobrowski based on Tuesday's discussion with Hara and Reid. He was also asked to obtain estimates for office dividers.

Request for release of Lots A and C from covenant for Great Brook Estates Definitive Subdivision Plan, Rutland St., Map 26, Lots 18A & 18C [Request of Ira Gould]

The applicants, Albert Ira Gould and Betsy Goldenberg were present.

Gould outlined construction progress and noted that the value of the remaining lots would be sufficient to cover roadway completion costs. He explained that he was not made aware of the requirement for completion to the binder course until today. The Board explained that it has been their practice not to release lots prior to completion of the binder course. The Administrative Assistant was asked to note that the subdivision rules and regulations should be amended to clarify this issue.

Review of drainage performance for High Woods Lane Common Driveway, 662 West Street

Abutters Barry Hoffman and Alan Lehotsky of West Street were present. The applicant's engineer, Joe March of Stamski and McNary, and the PB's engineer, Dale MacKinnon of Earth Tech were also present. Town Counsel Richard Hucksam was also in attendance.

Mansfield explained that he first witnessed the drainage problems on April 9, 2001 in response to a call from abutter John Forelli. At that time, he noted approximately twelve inches of water on West Street. He later met with MacKinnon, March and Hoffman on site and discussed the problem and possible solutions. In his letter dated 4/27/01, MacKinnon recommended clay dams across the leaching trenches and correcting the elevation of the culvert pipe to the level spreader. March agreed that this proposal would correct the problem of flooding on West Street. He also noted that these items were consistent with the approved plans, but the flooding occurred because construction is not yet complete.

Hoffman felt that if the drainage had worked as designed, even more water would have flowed through the culvert and onto his property. As it was, he noted that water flowed from the culvert, across his driveway in a new location, and then flowed down Lehotsky's driveway, washing out a ten-inch deep gully. Both Hoffman and Lehotsky testified that they had never seen this drainage pattern on their properties and felt that the new development caused excess runoff.

March explained that the plan followed existing drainage patterns and that the same amount of water still flows across the property line and into an adjacent wetland. MacKinnon said that at the time of his site visit, he did not realize that any water had flowed through the culvert. He was concerned about the change in drainage patterns on the abutting properties.

When asked about possible solutions, Hoffman and Lehotsky said they would prefer a detention pond on the High Woods property. Alternatively, Hoffman suggested that a culvert and swale be constructed on his own property by the High Woods developer to direct the runoff under his driveway and into the existing wetland. If this second alternative were to be pursued, he asked that it be done as soon as possible since he and Lehotsky are planning to reconstruct the common driveway this summer. Mansfield explained that this would require an amendment to the plan. Hucksam confirmed that only the applicant may apply for an amendment and consent of all current lot owners would be required.

Epstein asked that the applicant apply for an amendment to the plan. March maintained that minor field changes would address the drainage problems, but he agreed to discuss the other options proposed this evening with Fleming and Northwest Structures. He will also coordinate a new proposal with the current lot owners.

Mansfield then explained that the project still has unpaid review fees and asked Town Counsel if a public hearing would be necessary to rescind the special permit. Hucksam agreed that a public hearing would be necessary. Mansfield explained that a portion of the requested review fee has been received by the PB office and he expects the balance to be forthcoming. The Board directed the PA to advertise a public hearing if the money is not received by June 1st as requested in Mansfield's May 8th letter to Northwest Development.

Review of work remaining to complete Tall Pines Definitive Subdivision Plan (7/9/90)

Resident David Freedman of Hutchins Road and Town Counsel Richard Hucksam of Deutsch Williams were present.

Epstein stated that Costello has requested a certificate of completion and a release of the bond. In response to a request for opinion from the Board dated 5/4/01, Hucksam explained that if construction has been completed according to the plans, then the performance bond may be released and a certificate of completion may be issued despite the existence of structures within the right-of-way. He explained further that the Town would not assume liability until the roadways are accepted as public ways.

The Tall Pines subdivision was approved under the 1989 Rules and Regulations and Mansfield noted that under section 3.D, these regulations require the streets to be accepted by the Town or on a warrant for consideration at time of completion. He also noted that section 3.C.3 states that the Performance Guarantee may be released upon completion of the required improvements. He asked Hucksam if "completion" included the requirement for roadway acceptance and if this is tied to release of the bond. Hucksam interpreted "completion" as completion of construction according to the approved plan. As a former Planning Board member, Yanofsky explained that the intent of the 1989 Rules and Regulations was to make roadway acceptance difficult and to encourage private roads. Subsequent Boards recognized the difficulty in determining maintenance responsibility and revised the rules and regulations to require maintenance agreements.

The Board concluded that the homeowners and Costello must resolve maintenance issues between themselves. The Board then authorized the PA to request a final inspection by the Board's engineer and to advise Costello to sweep the roadway prior to this inspection.

Discussion regarding structures within the right-of-way

Epstein explained that he and the Board of Selectmen have asked Hucksam if the Town should accept roadways with structures in the right-of-way. Hucksam felt that this should not be of concern to the PB since this Board is primarily charged with reviewing the design and construction of new development. He explained that if the roadways become public ways, the Town or DPW may then request removal of the structures. Alternatively, these private structures might be excluded from the fee interest and given permission to be located on Town property. Hucksam stated that the Town's only liability would be to maintain a safe travel way.

Discussion of strategy with regard to pending litigation, Valchuis et al. v. Planning Board [Berry Corner Lane, Map 7, Parcel 29] (Executive Session)

Town Counsel Richard Hucksam was present for this discussion.

At 10:00 p.m., Reid moved to go into executive session for the purpose of discussing pending litigation regarding Valchuis et al. v. Planning Board, and to return to regular session at 10:25 p.m. Abend seconded the motion and it carried with a 7-0 roll call vote.

At 10:32 p.m., Abend moved to return to regular session. Reid seconded the motion and a unanimous roll call vote affirmed the motion.

Request for refund of excess amount in Project Review Fee account for Laurajon Definitive Subdivision Plan, East Street [Request of Theodore Treibick]

Reid moved and Hara seconded a motion to transfer \$1000 from the "Laurajon" 53G account to the "Treibick Common Driveway" 53G account, and to refund \$3337.41 plus any accumulated interest in the Laurajon account to Mr. Treibick. The motion carried 7-0.

Review of work remaining to complete Pine Meadow Definitive Subdivision Plan (5/27/97) [Request of William Costello]

The Board received a letter dated 5/16/01 from Mark Sleger of Land Tech summarizing his observations of a site inspection performed on 5/10/01. The PA was directed to forward copies of this letter to the applicant and his engineer.

Discussion of proposed draft Rules and Regulations for Site Plan Review

The Board of Health reviewed the proposed Site Plan Review rules and regulations and provided comment to the PB in a memo dated 5/15/01. The ConsCom, DPW, fire, police and building departments gave verbal approval of the draft, but provided no further comments. Mansfield reported that the draft was also forwarded to the Pedestrian and Bicycle Safety Committee and he is still awaiting comment from them. Zinicola agreed to incorporate comments and prepare a final draft for review by the Board of Selectmen.

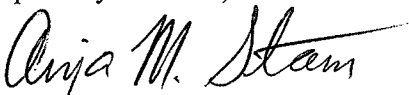
Mansfield noted that the recreation storage shed was installed behind Town Hall today without a site plan special permit.

Upcoming Meetings

Abend stated that he has a conflict with the 6/11/01 meeting, but will be in attendance at the 6/25/01 meeting.

The meeting was unanimously adjourned at 10:46 p.m.

Respectfully submitted,



Anja M. Stam
Administrative Assistant